MYSORE ACT No. XVII OF 1941

THE RAILWAY LANDS (EMPLOYMENT OF FOREIGN FORCES) ACT, 1941.

(*Received the assent of His Highness the Maharaja on the sixteenth day of July* 1941.)

WHEREAS it is expedient to give protection to Foreign Forces when engaged in the maintenance of public order in, or in the protection of, railway lands in [1][State of Mysore except Bellary District]; It is hereby enacted as follows:—

1. (1) This Act may be called the Railway Lands (Employment of Foreign Forces) Act, 1941.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

2. Whenever a military Force of British India or of another Indian State is, with the authority of the Government of His Highness the Maharaja, engaged in the maintenance of public order in, or in the protection of, any railway lands in [1][State of Mysore except Bellary District]—

(*a*) every member of such Force may take such steps and use such force as may be necessary for the prevention of any act done, or likely to be done, with intent to impair the efficiency or impede the work of, or to cause damage to, any railway, any machinery, apparatus or other thing used on the railway or in the railway lands or any building or other property in the railway lands;

(*b*) when a Magistrate determines to disperse any unlawful assembly by military force, he may require any commissioned or non-commissioned officer of such Force to disperse the assembly by military force and to arrest and confine such persons forming part of it as the Magistrate may direct or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law, and every such officer shall obey such requisition in such manner as he thinks fit but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons; and

1. See the Mysore Adaptation of Laws Order, 1958.

(*c*) when the public security is manifestly endangered by any unlawful assembly and when no Magistrate can be communicated with, any commissioned officer of such Force may disperse the assembly by military force and may arrest and confine any persons forming part of it in order to disperse such assembly or that they may be punished according to law; but if while he is so acting it becomes practicable for him to communicate with a Magistrate, he shall do so and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

3. Whenever a Police Force constituted in British India or in an Indian State or in Civil and Military Station, Bangalore, is, with the authority of the Government of His Highness the Maharaja, engaged in the maintenance of public order in or in the protection of any railway lands in [1][State of Mysore except Bellary District]—

(*a*) every member of such Police Force shall be deemed to be—

(i) a public servant for the purposes of the Indian Penal Code, as in force in [1][State of Mysore except Bellary District], or of any other law for the time being in force in [1][State of Mysore except Bellary District], and

(ii) a police officer for the purposes of Chapters V, IX and XIII (excepting section 153) of the Code of Criminal Procedure, 1904, and section 113 of the Mysore Railway Act, 1894; and

(*b*) every member of such Police Force, not below the rank which corresponds to that of a Sub-Inspector of Police in [1][State of Mysore except Bellary District], shall be deemed to be an officer in charge of a police station for the purposes of sections 55, 56, 62, 127 and 128 of the Code of Criminal Procedure, 1904.

4. No suit, prosecution or other legal proceeding shall lie against any member of any military force of British India or of an Indian State or of any police force constituted in British India or in an Indian State or in the Civil and Military Station, Bangalore, for anything done in good faith in pursuance of, or in the exercise of powers conferred by, this Act.

1. See the Mysore Adaptation of Laws Order, 1953.